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Attorneys for Plaintiffs,  
UMG RECORDINGS, INC.; SONY BMG  
MUSIC ENTERTAINMENT; ARISTA  
RECORDS LLC; ELEKTRA  
ENTERTAINMENT GROUP INC.;  
CAPITOL RECORDS, INC.; and BMG  
MUSIC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UMG RECORDINGS, INC., a Delaware  
corporation; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; ARISTA RECORDS LLC, a  
Delaware limited liability company; ELEKTRA  
ENTERTAINMENT GROUP INC., a Delaware  
corporation; CAPITOL RECORDS, INC., a  
Delaware corporation; and BMG MUSIC, a New  
York general partnership,  
Plaintiffs,

v.

JOHN DOE #1,  
Defendant.

CASE NO. 3:07-CV-04835-JCS

Honorable Joseph C. Spero

**EX PARTE APPLICATION TO CONTINUE  
CASE MANAGEMENT CONFERENCE  
AND [~~PROPOSED~~] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference  
2 currently set for January 11, 2008, at 1:30 p.m. to April 11, 2008.

3 Plaintiffs filed the Complaint against Defendant John Doe #1 ("Defendant") on September  
4 20, 2007. Also on September 20, 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take  
5 Immediate Discovery seeking the Court's permission to serve a Rule 45 subpoena on Santa Clara  
6 University ("SCU"), so that Plaintiffs could obtain information sufficient to identify Defendant. On  
7 October 3, 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to  
8 Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45 subpoena on SCU. On  
9 November 16, 2007, SCU responded to Plaintiffs' subpoena, providing Plaintiffs with identifying  
10 information including Defendant's name, telephone number, and address.

11 Now that Plaintiffs know Defendant's identity, and in hopes of avoiding further litigation,  
12 Plaintiffs have sent a letter to Defendant asking Defendant to contact Plaintiffs regarding possible  
13 settlement of this matter. Plaintiffs have followed this letter with a telephone call to Defendant, but  
14 the parties have not yet discussed settlement. If the parties are unable to resolve the dispute,  
15 Plaintiffs plan to file an amended complaint naming Defendant personally.

16 Given the foregoing circumstances, and because there is not yet a named defendant in this  
17 case, a case management conference is unnecessary at this time. Plaintiffs therefore request that the  
18 Court continue the case management conference currently set for January 11, 2008, at 1:30 p.m. to  
19 April 11, 2008.

20 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

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22 By: /s/ Matthew Franklin Jaksa  
23 MATTHEW FRANKLIN JAKSA  
24 Attorney for Plaintiffs  
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**ORDER**

Good cause having been shown:

**IT IS ORDERED** that the case management conference currently set for January 11, 2008, April 4, 2008, at 1:30 p.m. at 1:30 p.m. be continued to April 11, 2008.

Dated: December 21, 2007

By: \_\_\_\_\_

